

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DUSTY D. MITCHELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-21-829-SLP
)	
CLEAN HARBORS ENVIRONMENTAL)	
SERVICES, INC.,)	
)	
Defendant.)	

ORDER

The Court is in receipt of the parties’ Joint Report to the Court Regarding Attempted Compromise of the Motion to Compel [Doc. No. 69]. Plaintiff Dusty D. Mitchell previously filed his Second Motion to Compel Discovery [Doc. No. 52], seeking an order directing Defendant Clean Harbors Environmental Services, Inc. to supplement its response to Request for Production Number 15.

After the undersigned held a hearing on the motion, the parties were ordered to meet and confer regarding a potential compromise. *See* Order [Doc. No. 67]. The parties represent that they have now reached an agreement. *See* Joint Report [Doc. No. 69] ¶ 3. The agreement sets forth the particular documents Defendant will produce to supplement its response to Request for Production Number 15. *See id.* Accordingly, the Second Motion to Compel Discovery [Doc. No. 52] is DENIED AS MOOT.¹

¹ The Court acknowledges Plaintiff’s argument that he “cannot definitively state that the proposed agreement will actually resolve the discovery dispute” without first reviewing the contents of the supplemental production. *See* Joint Report [Doc. No. 69] ¶ 4. If Plaintiff finds the supplemental production to be deficient, he may raise those issues separately. In light of the impending trial date,

IT IS SO ORDERED this 27th day of January, 2023.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE

however, the Court cautions Plaintiff to raise those issues as early as possible, as the Court does not anticipate continuing the trial.